

“Date”

Mr. William J. Meliet
21 Boeuf Court
Kenner, LA 70065

RE: Docket No. 2021-246

Dear Mr. Meliet:

The Louisiana Board of Ethics, at its June 4, 2021 meeting, considered your request for an advisory opinion as to whether the Code of Governmental Ethics would prohibit you from working for Kostmayer Construction, LLC that intends to work on an upcoming project for your former employer, Port of New Orleans.

FACTS PROVIDED

You stated that you retired from the Port of New Orleans in June 2020 as a Manager of Construction Services for the Port's Facility and Planning Division. You stated that you provided construction management and quality assurance for capital improvement projects. You stated that you would like to work as a deputy project manager for Kostmayer Construction, LLC (“Kostmayer”) that has applied to provide its services as a Construction Management at Risk Contractor for the Jourdan Road Terminal Wharf - Substructure Repairs project with the Port of New Orleans. You stated that you managed facility repairs and modification projects on the Jourdan Road Terminal Wharf during your career at the Port of New Orleans, however you did not participate in the Construction Management at Risk for Jourdan Road Terminal Wharf - Substructure Repairs project that Kostmayer has applied for. As the Manager of Construction Services you reported to the Director of Engineering who reported to the Deputy Director of Facilities and Planning.

LAW

La. R.S. 42:1121B(1) prohibits a former public employee, for a period of two years following the termination of his public employment, from assisting another person, for compensation, in a transaction, or in an appearance in connection with a transaction in which such former public employee participated at any time during his public employment and involving the governmental entity by which he was formerly employed, or for a period of two years following termination of his public employment, render, any service which such former public employee had rendered to the agency during the term of his public employment on a contractual basis, regardless of the parties to the contract, to, for, or on behalf of the agency with which he was formerly employed.

CONCLUSION

The Board concluded and instructed me to inform you, the Code of Governmental Ethics (Ethics Code) would generally not prohibit you from assisting Kostmayer, provided that the projects do not involve matters in which you participated or services rendered to the Port of New Orleans during your time as an Manager of Construction Services for the Facility and Planning Division. Since the Construction Management at Risk for Jourdan Road Terminal Wharf - Substructure Repairs is a project that you did not participate on while employed with the Port of New Orleans, the Ethics Code would not prohibit you from assisting Kostmayer as a deputy project manager for said project.

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This advisory opinion is based solely on the facts as set forth herein. Changes to the facts presented may result in a different application of the provisions of the Code of Ethics. The Board issues no opinion as to past conduct or laws other than the Code of Governmental Ethics. If you have any questions, please contact me at (225) 219-5600 or (800) 842-6630.

Sincerely,

LOUISIANA BOARD OF ETHICS

Gregory L. Thibodeaux
For the Board

DISCLAIMER
No party may rely on the facts or conclusions. The analysis and conclusions herein are provided for discussion purposes only, and are subject to change or revision at the meeting of the Board of Ethics at which this matter is considered.
This is a draft opinion and it is NOT an opinion of the Louisiana Board of Ethics.